

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**UNITED STATES OF AMERICA ) Docket No.:1:18-CR-37-MOC**  
                                )  
**v.                            ) ORDER**  
                                )  
**DAVID MATTHEW HAROLD )**  
                                )

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**THIS MATTER IS BEFORE THE COURT** following receipt of a Forensic Evaluation from the Federal Medical Center (“FMC”) in Butner, North Carolina dated October 16, 2018. The Report concludes that the Defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to proceed.

The Court conducted a competency hearing consistent with 18 U.S.C. § 4247(d). Defense counsel waived appearance of her client with no objection from the Government. The Defendant remains in custody at FMC Butner.

Based upon all the evidence presented at the hearing and the overall record in the case, the Court concluded consistent with 18 U.S.C. § 4241(d) that the Defendant is not competent to proceed at this time. The evaluators, however, indicated that there is a “substantial likelihood that he can be restored to competency in

the foreseeable future” and provided a treatment plan for restoration. Neither party posed objections to the recommendation for restoration and agreed that the Defendant remain at FMC Butner for the restoration period allowed by statute.

**NOW THEREFORE IT IS ORDERED:**

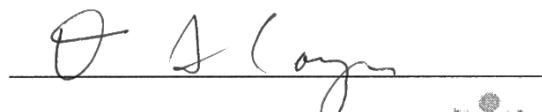
1. The Court finds that Defendant is currently suffering from a mental disease or defect rendering him mentally incompetent to proceed.
2. Defendant is committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d), who shall hospitalize the Defendant for treatment and for further evaluation to determine whether the Defendant can attain, or has attained, competency to proceed. The Court will recommend to the Bureau of Prisons that the Defendant remain at FMC Butner, where he is currently housed and receiving treatment.
3. The custodial treatment and evaluation described above shall be “for such a reasonable period of time, not to exceed four

months,” as provided in 18 U.S.C. § 4241(d); and “for an additional reasonable period of time until his mental condition is so improved that trial may proceed, if the Court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward” as provided by § 4241(d)(2)(A).

4. The Clerk is directed to send copies of this Order to defense counsel, counsel for the Government, the U.S. Marshal, and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: October 29, 2018

  
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David S. Cayer  
United States Magistrate Judge 